

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Barbering hereby amends Chapter 5, "Fees," Chapter 21, "Licensure," Chapter 23, "Barber Schools," and Chapter 24, "Continuing Education for Barbers," Iowa Administrative Code.

These amendments implement a national computerized theory examination and a national practical examination. The amendments also amend the continuing education requirement for barbers by requiring one of the eight hours of continuing education to cover Iowa barbering laws and administrative rules and sanitation. The amendments realign the fee structure to be consistent with cosmetology applicant fees. Amendments to fees reflect the outsourcing of the theory examination and the increased cost associated with administering a national practical examination.

These amendments were pre-noticed on May 26, 2009, and the Board received no comments on the amendments.

Notice of Intended Action was published in the Iowa Administrative Bulletin on August 26, 2009, as **ARC 8085B**. A public hearing was held on September 15, 2009, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. Two instructors and six students from one barber school attended the public hearing. Commenters at the public hearing voiced concern about the pass rate required for the national theory examination. In addition, the Board received three written comments supporting the rule changes and two comments opposed to making any changes to licensure requirements. The Board considered the comments at its meeting on October 27, 2009, and determined that Iowa requirements should be consistent with national standards. The final amendments were revised as follows:

- Revised paragraphs 21.2(1)"f" and 21.3(2)"a" to require documents to be in the Board office a minimum of five business days prior to the NIC practical examination. Because applicants will have already completed the theory examination, the administrative processing time is reduced from 14 days.
- In subparagraph 21.16(3)"b"(3), changed the word "administered" to "required."
- Reduced the number of continuing education hours relating to Iowa law and rules and sanitation from two hours to one hour (subrules 21.5(3) and 24.2(1) and paragraph 24.3(2)"c"). The Board reconsidered the number of hours minimally necessary for licensees to remain current on Iowa laws and administrative rules and sanitation and decided that one hour of the eight hours required for continuing education would be sufficient to protect the public. Also, the implementation date of August 1, 2010, has been added so that the revisions will not affect the current renewal cycle. The implementation date of August 1, 2010, has also been added to the endorsement requirements found in subrule 21.5(3).

These amendments were adopted by the Board of Barbering on November 9, 2009.

These amendments will become effective on January 6, 2010.

These amendments are intended to implement Iowa Code chapters 21, 147, 158 and 272C and 2008 Iowa Acts, House File 2212.

The following amendments are adopted.

ITEM 1. Amend subrules 5.2(1) and 5.2(4) as follows:

5.2(1) License fee for an initial license to practice barbering, license by endorsement, license by reciprocity or an instructor's license is ~~\$120~~ \$60.

5.2(4) ~~Examination~~ Practical examination fee is ~~\$60~~ \$75.

ITEM 2. Amend rule ~~645—21.1(158)~~, definition of "Examination," as follows:

"Examination" means the examination administered by the board, which includes written and practical components any of the tests used by the board to determine minimum competency prior to the issuance of a barber or barber instructor license.

ITEM 3. Adopt the following new definitions of “NIC” and “Testing service” in rule **645—21.1(158)**:

“NIC” means the National-Interstate Council of State Boards of Cosmetology, Inc.

“Testing service” means a national testing service selected by the board.

ITEM 4. Rescind rules 645—21.2(158) and 645—21.3(158) and adopt the following new rules in lieu thereof:

645—21.2(158) Requirements for licensure.

21.2(1) The following criteria shall apply to licensure:

a. Applicants shall complete a board-approved application form. Application forms may be obtained from the board’s Web site (<http://www.idph.state.ia.us/licensure>) or directly from the board office. The application and licensure fees shall be sent to the Board of Barbering, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

b. Applicants shall present proof of completion of the tenth grade or equivalent education. In the event the applicant is a refugee or immigrant from a country where high school records no longer exist, the applicant shall be considered to have met this requirement when the applicant submits an affidavit attesting to the fact that the applicant has met the tenth-grade requirement.

c. Applicants shall provide an official copy of the transcript or diploma sent directly from the school to the board showing proof of completion of training at a barber school licensed by the board. If the applicant graduated from a school that is not licensed by the board, the applicant shall direct the school to provide an official transcript showing completion of a course of study that meets the requirements of rule 645—23.8(158).

d. Applicants shall pass both the NIC theory examination and the NIC practical examination with a score of 70 percent or better on each examination.

e. An applicant shall provide verification of license(s) from every state in which the applicant has been licensed as a barber, sent directly from the state(s) to the Iowa board of barbering office.

f. Applications for a barber license must be received in the board office a minimum of five business days prior to the NIC practical examination.

g. Licensees who were issued their licenses within six months prior to renewal shall not be required to renew their licenses until the renewal month two years later.

h. Incomplete applications that have been on file in the board office for more than two years shall be:

- (1) Considered invalid and shall be destroyed; or
- (2) Maintained upon written request of the applicant. The applicant is responsible for requesting that the file be maintained.

21.2(2) Foreign-trained barbers shall:

a. Provide an equivalency evaluation of their educational credentials by one of the following: International Educational Research Foundation, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, CA 90231-3665, telephone (310)258-9451, Web site www.ierf.org or E-mail at info@ierf.org; or World Education Services (WES) at (212)966-6311, electronically at www.wes.org or by writing to WES, P.O. Box 745, Old Chelsea Station, New York, NY 10113-0745. The professional curriculum must be equivalent to that stated in these rules. An applicant shall bear the expense of the curriculum evaluation.

b. Provide a notarized copy of the certificate or diploma awarded to the applicant from a barber school in the country in which the applicant was educated.

c. Receive a final determination from the board regarding the application for licensure.

21.2(3) Requirements for an instructor’s license. Applicants shall:

- a. Complete all requirements stated in subrule 21.2(1), paragraphs “a” and “d”;
- b. Present proof of graduation from an accredited high school or the equivalent thereof;
- c. Be licensed in the state of Iowa as a barber for not less than two years; and
- d. Pass both the NIC instructor theory examination and the NIC instructor practical examination with a score of 70 percent or better on each examination.

21.2(4) Instructors who were issued their licenses within six months prior to renewal shall not be required to renew their licenses until the renewal month two years later.

21.2(5) Incomplete applications that have been on file in the board office for more than two years shall be:

- a. Considered invalid and shall be destroyed; or
- b. Maintained upon written request of the applicant. The applicant is responsible for requesting that the file be maintained.

21.2(6) An applicant who meets the requirements for an instructor's license except for the instructor examinations may apply for a temporary permit to be an instructor. The temporary permit shall be valid for a maximum of six months from the issue date of the permit and shall not be renewable.

645—21.3(158) Examination requirements for barbers and barber instructors.

21.3(1) *Theory examination.* Applicants shall contact the testing service directly to schedule the computer-based NIC theory examination. The fee for scheduling the written theory examination shall be paid directly to the testing service. This fee is not included in the licensure fee and practical examination fee identified in 645—subrules 5.2(1) and 5.2(4).

21.3(2) *Practical examination.* Applicants who have completed the application process and passed the NIC theory examination with a score of 70 percent or better shall be eligible to sit for the NIC practical examination administered by the board.

a. Application, supporting documentation, and licensure and practical examination fees required by the board shall be received in the board office at least five days prior to the scheduled NIC practical examination date.

b. The board shall send a notice of the date and time of the practical examination to the address on record.

c. Applicants are required to receive a passing score of 70 percent on the practical examination to be eligible for licensure.

d. Applicants shall be notified in writing of the result of the practical examination.

e. Applicants who fail to appear for the practical examination must request in writing or by telephone to reschedule the examination. Examination fees are not refundable, but the rescheduled examination fee may be waived upon the applicant's showing of good cause for missing the previously scheduled examination. Proof of good cause shall be submitted to the board office with the request to reschedule the examination. The applicant shall be required to pay the reexamination fee if the applicant does not appear for the subsequent examination.

f. Persons who do not attain the passing score may reapply to take the practical examination. The examination fee cannot be refunded, and the applicant shall be required to pay the reexamination fee.

ITEM 5. Rescind subrule 21.5(3) and adopt the following **new** subrules 21.5(3) and 21.5(4):

21.5(3) Beginning August 1, 2010, completes one hour of Iowa barbering laws and administrative rules and sanitation.

21.5(4) Passes a national written and practical examination.

ITEM 6. Amend rule **645—21.7(158)**, numbered paragraph “2,” as follows:

2. The applicant has met the requirements for licensure except for ~~the examination~~ passing the examinations required by the board. The temporary permit is valid from the date the application is ~~completed~~ approved for a maximum of six months and shall not be renewable.

ITEM 7. Amend subparagraph **21.16(3)“b”(3)** as follows:

(3) Verification of ~~passing the state examination administered~~ the examinations required by the board within one year immediately prior to reactivation if the applicant does not have a current license and has not been in active practice in the United States during the past five years.

ITEM 8. Amend subrules 23.8(1) and 23.8(2) as follows:

23.8(1) Supervised practical instruction totaling 1,675 hours shall include:

Scalp care and shampooing
Honing and stropping

Shaving
Facials, massage and packs
Science of hair structure
Haircutting
Hair tonics
Hair relaxing
Hair coloring and hair body processing
Hair styling
Fitting of hairpieces
Manicuring
Artificial nails (all aspects)

Waxing

23.8(2) Demonstrations and lectures totaling 380 hours shall include:

Law, ethics, economics, equipment, shop management and history of barbering
Sanitation, sterilization, personal hygiene and first aid
Bacteriology
Anatomy
Skin, scalp, and hair and their common disorders
Electricity, as applied to barbering
Chemistry and pharmacology
Scalp care
Honing and stropping
Shaving
Facials, massage and packs
Hair relaxing
Science of hair structure
Haircutting
Hair tonics
Instruments, soaps, shampoos, creams, lotions and tonics
Nails

Waxing

ITEM 9. Amend subrule 24.2(1) as follows:

24.2(1) The biennial continuing education compliance period shall extend for a two-year period beginning on July 1 and ending on June 30 of each even-numbered year. Each biennium, each person who is licensed to practice as a barber in this state shall be required to complete a minimum of eight hours of continuing education approved by the board that meet the requirements of rule 645—24.3(158,272C). Beginning August 1, 2010, a minimum of one hour of the eight hours shall be in the content areas of Iowa barbering laws and administrative rules and sanitation. A licensee who is a barber instructor shall obtain four hours in teaching methodology in addition to meeting all continuing education requirements for renewal of the barber license.

ITEM 10. Adopt the following new paragraph **24.3(2)“c”**:

c. Beginning August 1, 2010, one hour of continuing education per biennium must be specific to Iowa barbering laws and administrative rules and sanitation.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/2/09.